



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2799-00

28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 14 January 1981 for six years at age 23. On 23 February 1981, you were ordered to active duty for a period of 36 months in the Active Mariner Program.

The record reflects that you were advanced to AA (E-2) and served without incident until 19 July 1982 when you were convicted by special court-martial of five periods of unauthorized absence (UA) totalling about 45 days. You were sentenced to confinement at hard labor for one month, hard labor without confinement for one month, forfeitures of \$300 per month for two months, and a reduction in rate to AR (E-1). You were released from confinement on 12 August 1982.

On 1 September 1982 you received nonjudicial punishment for 10 instances of failure to obey a lawful order. Punishment imposed was three days of confinement on bread and water and a forfeiture of \$250.

On 14 September 1982 you appeared before a medical board with diagnoses of an immature personality disorder, chronic alcoholism and drug dependence (marijuana). The medical board summary noted that you were evaluated on an outpatient basis by a naval regional medical center at the request of your ship for the purpose of a medical board. At that time, you were showing symptoms of suicidal and homicidal ideation, uncontrolled fits of anger, inability to tolerate even minimal amounts of stress, excessive alcohol use and use of marijuana, and an inability to perform normal routine shipboard duties. It was further noted that you refused any intervention, including alcohol or drug rehabilitation treatment, believing that the Navy was the cause of your problems. The medical board found you unsuitable for further service, concurred with the foregoing diagnoses, and recommended separation. You were advised of the medical board's findings, declined to submit a statement in rebuttal, and elected to be discharged. On 1 October 1982, you were discharged under honorable conditions by reason of physical disability.

Individuals discharged by reason of physical disability receive the type of discharge warranted by their service record. Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall traits averages are not on file in your record. The minimum average marks required for a fully honorable characterization as the time of your discharge were 3.0 in military behavior and 2.8 in overall traits.

In its review of your application the Board conducted a careful search of your service record for any mitigating factors which might warrant a recharacterization of your general discharge. However, no justification for such a change could be found. The Board noted that you were 23 years old when you enlisted, older than the average recruit; a high school graduate; and were of average intelligence. You possessed all of the requisite skills to complete a successful enlistment in the Navy. The Board noted your contention that the staff stated that you would be given an honorable discharge because of extenuating medical circumstances. However, neither the evidence of record nor any evidence submitted in support of your application supports your contention. The Board concluded that your record of an NJP and a special court-martial conviction within the last six months of your active service did not constitute fully honorable service. Absent evidence to the contrary, the Board also concluded that you would not have achieved the required average in military behavior due to your misconduct. Neither a diagnosed personality disorder nor alcohol or drug dependence excuses misconduct. The Board thus concluded that the discharge was proper and no change

is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director